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**CPS OPERATIONAL  
DEFINITIONS**

The legal definitions for child abuse, child neglect and child sexual abuse are found [in PSM 711-4, CPS Legal Requirements and Definitions](#) and are narrowly defined, based on the language of the Michigan Child Protection Law (CPL) and other laws that provide the legal base for Child Protective Services (CPS). The following definitions are broader in scope and are intended to assist workers in the intake, investigation and dispositional phases and in the provision of post-investigative services.

The department is responsible for the investigation of complaints of child abuse allegedly committed by a person responsible for the child's health and welfare.

**Person  
Responsible**

A person responsible for the child's health or welfare means:

- A parent (including a minor parent or noncustodial parent whose parental rights have not been terminated).
- Legal guardian.
- Licensed foster parent.
- Person 18 years of age or older who resides for any length of time in the same household in which the child resides (including live-in adult friends of the parent or foster parent, adult siblings and relatives, roomers, boarders, live-in sitters, housekeepers, etc.).
- A nonparent adult. A nonparent adult is a person 18 years of age or older and who, regardless of the person's domicile, meets **all** of the following in relation to the child:
  - Has substantial and regular contact with the child.
  - Has a close personal relationship with the child's parent or with another person responsible for the child's health or welfare.
  - Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree (parent,

grandparent, great grandparent, brother, sister, aunt, uncle, great aunt, great uncle, niece, nephew).

- A person who cares for the child in a licensed or registered child care center, group child care home, family child care home, children's camps or child caring institution, as defined in Section 1 of 1973 PA 116 or a licensed or unlicensed adult foster care family home or adult foster care small group home as defined in Section 3 of 1979 PA 218.

**Note:** When the residence of the alleged perpetrator or relationship to the family is in question, the department will proceed to investigate but may make a referral for concurrent investigation by law enforcement.

## Child

A person under 18 years of age at the time MDHHS receives a complaint of child abuse and/or neglect.

## Resides

CPS should consider a person residing in a home when indicators (such as law enforcement information, Secretary of State clearances, statements from family members or neighbors, etc.) suggest that an individual is living in a home.

## Imminent Danger of Harm

There is likelihood of immediate harm. This term is used in the priority response criteria and the safety assessment, see [PSM 712-4, Intake-Minimal Priority Response Criteria](#) and [PSM 713-01, CPS Investigation - General Instructions and Checklist, Safety Assessment Overview](#).

## Imminent Risk of Harm

There is likelihood of immediate harm.

## Child Abuse

The CPL defines child abuse. The different types of child abuse are defined below.

***Physical Abuse***

Physical abuse (injury) means a nonaccidental occurrence of any of the following:

- Death.
- Deprivation or impairment of any bodily function or part of the anatomy.
- Permanent disfigurement.
- A temporary disfigurement which requires medical intervention or which occurs on a repetitive basis.
- Brain damage.
- Skull or bone fracture.
- Subdural hemorrhage or hematoma.
- Dislocations.
- Sprains.
- Internal injuries.
- Poisoning.
- Drug or alcohol exposed infants. ([See PSM 716-7, Substance Abuse Cases.](#))
- Burns.
- Scalds.
- Bruises.
- Welts.
- Open wounds.
- Loss of consciousness.
- Adult human bites.
- Provoked animal attacks.

**Note:** Nonaccidental: Expected, intentional, incidental, and/or planned behavior on the part of the parent, caretaker or person responsible for the child's health and welfare, which results in physical or mental injury to a child. An action which a reasonable person would expect to be a proximate cause of an injury. FF

### ***Mental Injury***

A pattern of physical or verbal acts or omissions on the part of the parent and/or person responsible for the health and welfare of the child that results in psychological or emotional injury/impairment to a child **or** places a child at significant risk of being psychologically or emotionally injured/impaired (e.g., depression, anxiety, lack of attachment, psychosis, fear of abandonment or safety, fear that life or safety is threatened, etc.).

**Note:** To make a finding of mental injury, a mental health practitioner must assess the child and either diagnose a psychological condition or determine that the child is at significant risk of being psychologically or emotionally injured/impaired.

### ***Child Maltreatment***

The treatment of a child that involves cruelty or suffering that a reasonable person would recognize as excessive.

Possible examples of maltreatment are:

- A parent who utilizes locking the child in a closet as a means of punishment.
- A parent who ties their child to a stationary object as a means to control or punish their child.
- A parent who forces their child to eat dog food out of a dog bowl during dinner as a method of punishment and/or humiliation.
- A parent who is teaching their child how to be an accessory in criminal activities (e.g., shop-lifting).
- A parent who responds to their child's bed-wetting by subjecting the child to public humiliation by hanging a sign outside the house or making the child wear a sign to school, which lets others know that the child has wet his/her bed.

***Sexual Abuse***

Sexual Abuse means:

- Sexual contact which includes but is not limited to the intentional touching of the victim's or alleged perpetrator's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or alleged perpetrator's intimate parts, if that touching can be reasonably construed as being for the purposes of sexual arousal, gratification, or any other improper purpose.
- Sexual penetration which includes sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body. (Emission of semen is not required.)
- Accosting, soliciting or enticing a minor child to commit, or attempt to commit, an act of sexual contact or penetration, including prostitution.
- Knowingly exposing a minor child to any of the above acts.

**Child Neglect**

The CPL defines child neglect. The different types of child neglect are defined below.

***Physical Neglect***

Negligent treatment, including but not limited to failure to provide, or attempt to provide, the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding those situations solely attributable to poverty.

***Medical Neglect***

Failure to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a risk of death, disfigurement or bodily harm or with the failure resulting in an observable and material impairment to the growth, development or functioning of the child.

***Failure to Protect***

Knowingly allowing another person to abuse and/or neglect the child without taking appropriate measures to stop the abuse and/or neglect or to prevent it from recurring when the person is able to do so and has, or should have had, knowledge of the abuse and/or neglect.

For assessing failure to protect in domestic violence cases, see [PSM 713-08, Special Investigative Situations, Domestic Violence section](#).

***Improper Supervision***

Placing the child in, or failing to remove the child from, a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in harm or threatened harm to the child.

**Note:** Reasonable: Black's Law Dictionary: being synonymous with rational; equitable; fair, suitable, moderate

***Abandonment***

Placing or leaving a child with an agency, person or other entity (e.g., MDHHS, hospital, mental health facility, etc.) without:

- Obtaining an agreement with that person/entity to assume responsibility for the child or
- Cooperating with the department to provide for the care and custody of the child.

**Threatened Harm**

A child found in a situation where harm is **likely to occur** based on:

- A current circumstance (e.g., home alone, domestic violence, drug house).
- A historical circumstance (e.g., a history of abuse/neglect, a prior termination of parental rights or a conviction of crimes against children) absent evidence that past issues have been **successfully** resolved.

Some examples include, but are not limited to:

- A child is home alone.
- Driving under the influence of alcohol and/or illegal substances.
- Drug house.
- Domestic violence.
- New child with prior termination of parental rights.
- Known perpetrator of a crime against a child moving into the home ([See PSM 712-6, CPS Intake-Special Cases](#) and [PSM 713-08, Special Investigative Situations, Complaints Involving A Known Perpetrator Moving In or Residing With A New Family sections.](#))

([See PSM 713-08, Special Investigative Situations, Threatened Harm section.](#))

### **Severe Physical Abuse**

Physical abuse that results in severe physical injury or threatened harm to the child due to extreme actions by the parent, including but not limited to:

- Choking the child to unconsciousness.
- Holding a gun to a child's head.
- Threatening the child with a knife.

### **Battering**

Chronic and repeated physical abuse that results in severe physical injury to the child.

### **Torture**

Inflicting great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control with the intent to cause cruel or extreme physical or mental pain and suffering. Proof that the victim suffered pain does not need to be present to find that torture occurred.

#### ***Cruel***

Brutal, inhuman, sadistic or that which torments.

#### ***Custody or Physical Control***

The forcible restriction of a person's movements or forcible confinement of the person so as to interfere with that person's liberty, without that person's consent or without lawful authority.

***Great Bodily Injury***

Serious impairment of a body function which includes, but is not limited to, one or more of the following:

- Loss of a limb or loss of use of a limb.
- Loss of an eye or ear or loss of use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts for more than 3 days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of an organ.
- Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.

OR

One or more of the following conditions:

- Internal injury.
- Poisoning.
- Serious burns or scalding.
- Severe cuts.
- Multiple puncture wounds.

***Severe Mental Pain or Suffering***

A mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner caused by or resulting from any of the following:

- The intentional infliction or threatened infliction of great bodily injury.
- The administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt the senses or the personality.
- The threat of imminent death.
- The threat that another person will imminently be subjected to death, great bodily injury, or the administration or application of mind-altering substances or other procedures calculated to disrupt the senses or personality.



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## PREVENTION

### Primary Prevention

Primary prevention activities are directed at the general population and attempt to stop maltreatment before it occurs. All members of the community have access to and may benefit from these services. Primary prevention activities with a universal focus seek to raise the awareness of the general public, service providers, and decision-makers about the scope and problems associated with child maltreatment. Universal approaches to primary prevention might include:

- Public service announcements that encourage positive parenting.
- Parent education programs and support groups that focus on child development, age-appropriate expectations, and the roles and responsibilities of parenting.
- Family support and family strengthening programs that enhance the ability of families to access existing services, and resources to support positive interactions among family members.
- Public awareness campaigns that provide information on how and where to report suspected child abuse and neglect.

### Secondary Prevention

Secondary prevention activities are offered to populations that have one or more risk factors associated with child maltreatment, such as poverty, parental substance abuse, domestic violence, young parental age, parental mental health concerns, and parental or child disabilities. Programs may target services to parents or families that have a high incidence of any or all of these risk factors. Activities are designed to alleviate stress and promote parental competencies and behaviors that will increase the family's ability to successfully nurture their children. Approaches to secondary prevention programs might include:

- Parent education programs for teen parents or substance abuse treatment programs targeted to parents with young children.

- Parent support groups that help at-risk parents deal with their everyday stresses and meet the challenges and responsibilities of parenting.
- Home visiting programs that provide support and assistance to expecting and new mothers in their homes.
- Respite care for families that have children with special needs.
- Family resource centers that offer information and referral services to at-risk families.

### **Tertiary prevention**

Tertiary prevention activities focus on high-risk families and families where maltreatment has occurred (substantiated) and seek to reduce the negative consequences of the maltreatment and to prevent recurrence. These prevention programs may include services such as:

- Intensive family preservation activities designed to strengthen families who are in crisis and protect children who are at risk of harm.
- Individualized service plans that include families in identification of their needs, strengths and replacement behaviors.
- Parent mentor programs with stable, non-abusive families acting as “role models” and providing support to families in crisis.
- Parent support groups that help parents transform negative practices and beliefs into positive parenting behaviors and attitudes.
- In-home mental health services for children and families affected by maltreatment to improve family communication and functioning.

### **SEX TRAFFICKING VICTIM**

A sex trafficking victim is defined as an individual subject to the recruitment, harboring, transportation, provision, patronizing, or soliciting of a person for the purposes of a commercial sex act or who is a victim of a severe form of trafficking in persons in which a

commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years old.